

# EXHIBIT E

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
This document relates to:  <i>Thomas Burnett, Sr., et al. v. The Islamic Republic of Iran, et al.</i>	15-cv-9903 (GBD) (SN) ECF Case

**DECLARATION OF ENRIQUE CRUZ**

I, Enrique Cruz, pursuant to 28 U.S.C. § 1746, do hereby declare under penalty of perjury as follows:

1. I am more than 18 years of age and competent to testify in court to the matters stated below. The statements made in this Declaration are based upon my personal knowledge unless otherwise indicated.

2. I was a citizen of the United States on September 11, 2001, and remain so today. Attached as Exhibit A to this Declaration is a true and correct copy of my proof of citizenship.

3. On September 11, 2001, I was present in New York City when the terrorist attacks of the World Trade Center ("WTC") Towers occurred. At the time of these horrific attacks, I worked as an Elevator Starter for American Building Maintenance in the South Tower.

4. On the morning of 9/11, I heard a loud explosion as I worked at my desk in the sky lobby of the 78<sup>th</sup> floor of the South Tower (WTC 2). I saw everyone around me begin to panic and scream. I attempted to help people who were caught in the chaos on my floor of the South Tower. As the panic in the area became more dire, I decided to take the last elevator down to the lobby area to escape from the building.

5. As I exited the elevator into the lobby of the South Tower, I saw people screaming and running in all directions. As I tried to escape from the building, I fell several times as people

pushed me out of the way and several people trampled over me. I suffered injuries to my knees, left elbow, right foot, right big toe, and my lower back during these events.

6. I stumbled to my feet and walked out of the South Tower to Liberty Street. As I tried to find a safe place to avoid injury from all of the falling debris in the area, I turned and saw the South Tower collapse behind me. A cloud of dust and building debris surrounded me, and I inhaled large quantities of these toxins into my lungs and air passages. I began to vomit from the throat irritation of the dust I had inhaled.

7. I fell again as I could not see in the darkness caused by the debris cloud. Someone grabbed me and helped me to my feet. I began following him, but we became separated in the darkness. I stumbled into a building, but I continued to have trouble breathing from all of the dust and debris that had filled my lungs and airways.

8. Desperate to receive treatment for my injuries, I removed my jacket, covered my face, and walked out of the building. I walked along First Avenue towards Manhattan, and I then arrived at the Montefiore Hospital Emergency Room where I received initial treatment for my 9/11 injuries.

9. As a result of these terrorist attacks, I suffered the following specific injuries on September 11, 2001: a right eye irritation<sup>1</sup>; a right and left knee injuries<sup>2</sup>; a left elbow injury<sup>3</sup>; a back injury<sup>4</sup> with bulging lumbar discs; a right foot injury<sup>5</sup>; headaches<sup>6</sup>; and serious inhalation

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<sup>1</sup> See, Medical Records of Enrique Cruz (CRUZ\_MEDS\_000001), attached hereto as Exhibit B, at 0004, 0007-0009, 0011, 0018, and 0026.

<sup>2</sup> *Id.* at 0004, 0008, 0012-0015, 0018, 0020, 0022-0023, 0025-0027, and 0031.

<sup>3</sup> *Id.* at 0004 and 0015.

<sup>4</sup> *Id.* at 0004, 0011-0012, 0018, 0020, 0022-0027, and 0029-0031.

<sup>5</sup> *Id.* at 0004, 0011-0014, 0018, 0020 and 0022.

<sup>6</sup> *Id.* at 0005, 0009, and 0025.

injuries due to the large quantities of dust and debris that I inhaled<sup>7</sup>. Lastly, I have been diagnosed with post-traumatic stress disorder<sup>8</sup> due to the horrific events that I witnessed on 9/11.

10. I sought and continue to seek medical attention on a monthly basis for my injuries caused by these terrorist attacks. Attached as Exhibit B to this Declaration is a true and correct copy of my select relevant medical records related to the treatment that I received for my physical and emotional injuries following the September 11, 2001 terrorist attacks.

11. I previously pursued a claim (Claim Number 212-00529) through the September 11<sup>th</sup> Victim Compensation Fund specifically related to my physical injuries incurred on September 11, 2001, and my claims were determined to be eligible for compensation.

I DECLARE, VERIFY AND STATE UNDER PENALTY OF PERJURY that the foregoing is true and correct.

DATED this 22<sup>nd</sup> day of February 2022.

  
Declarant Enrique Cruz

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<sup>7</sup> *Id.* at 0004 and 0008.

<sup>8</sup> *Id.* at 0004, 0008-0010, 0017-0018, and 0020.

**EXHIBITS  
FILED  
UNDER SEAL  
(ECF No.  
5716)**